

Notice of Allowability**Application No.**

10/521,612

Applicant(s)

SOMERS ET AL.

Examiner

Jessee Roe

Art Unit

1793

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Reply filed 28 March 2008.
2. ☒ The allowed claim(s) is/are 1-17, 19 and 20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 28 March 2008
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 12 June 2008.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/John P. Sheehan/
Primary Examiner, Art Unit 1793

DETAILED ACTION

Status of the Claims

Claims 1-20 are pending wherein claim 1 is amended.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Jaworski on 12 June 2008.

The application has been amended as follows:

Replace "carburising" with "carburizing" in line 2 of claim 1.

Add "subsequently" before "carrying" in line 11 of claim 1.

Cancel claim 18.

Status of Previous Rejections

The previous rejection of claims 1-20 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is withdrawn in view of the Applicant's amendments to claim 1 and the Examiner's amendment set forth above. The previous rejection of claims 1-2, 5, 8, 10, 16 and 19 under 35 U.S.C. 102(b) as being anticipated

by Larisch et al. (Plasma nitriding stainless steels at low temperatures) is withdrawn in view of the Applicant's amendment to the claim 1 and the Examiner's amendment set forth above. The previous rejection of claims 1, 3, 5, 8, 9, 17, 19 and 20 under 35 U.S.C. 102(b) as being anticipated by Yoshino et al. (US 5,417,776) is withdrawn in view of the Applicant's amendment to claim 1 and the Examiner's amendment set forth above. The previous rejections of claims 1, 3-4 and 11 under 35 U.S.C. 103(a) as being unpatentable over Ramqvist et al. (US 4,013,487) is withdrawn in view of the Applicant's amendments to the claims. The previous rejection of claims 2, 4, 10, 12, 13 and 16 under 35 U.S.C. 103(a) as being unpatentable over Yoshino et al. (US 5,417,776) is withdrawn in view of the Applicant's amendment to claim 1 and the Examiner's amendment set forth above. The previous rejection of claims 7, 15 and 18 under 35 U.S.C. 103(a) as being unpatentable over Larisch et al. (Plasma nitriding stainless steels at low temperatures), and further in view of Lowenheim (Electroplating) is withdrawn in view of the Applicant's amendment to claim 1 and the Examiner's amendment set forth above. The previous rejection of claims 6 and 14 under 35 U.S.C. 103(a) as being unpatentable over Larisch et al. (Plasma nitriding stainless steels at low temperatures), and further in view of Asano et al. (US 3,295,936) is withdrawn in view of the Applicant's amendment to claim 1 and the Examiner's amendment set forth above. The previous rejection of claims 9 and 20 under 35 U.S.C. 103(a) as being unpatentable over Larisch et al. (Plasma nitriding stainless steels at low temperatures), and further in view of Froman et al. (US 3,901,771) is withdrawn in view of the Applicant's amendment to claim 1 and the Examiner's amendment set forth above.

Allowable Subject Matter

Claims 1-20 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose or adequately suggest carburizing and/or nitriding stainless steel materials after the application of a nickel, ruthenium, cobalt, or palladium catalytic layer to a surface of the stainless steel.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessee Roe whose telephone number is (571) 272-5938. The examiner can normally be reached on Monday-Friday 7:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Roy V. King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John P. Sheehan/
Primary Examiner, Art Unit 1793

JR

Application Number**Application/Control No.**

10/521,612

Examiner

Jessee Roe

**Applicant(s)/Patent under
Reexamination**

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